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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,529	03/01/2004	Marko Areh	2001P15159WOUS	3372
46726	7590	09/22/2006	EXAMINER	
BSH HOME APPLIANCES CORPORATION INTELLECTUAL PROPERTY DEPARTMENT 100 BOSCH BOULEVARD NEW BERN, NC 28562			PAHNG, JASON Y	
			ART UNIT	PAPER NUMBER
			3725	

DATE MAILED: 09/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/791,529

Applicant(s)

AREH ET AL.

Examiner

Jason Y. Pahng

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 December 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's arguments with regard to the restriction requirement is moot in view of cancellation of the non-elected claim 7.

### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 18 in Figures 2 and 3.

The drawings are also objected to under 37 CFR 1.83(a) because they fail to show at least recesses (2) as described in the specification in line 18 in page 6. None of the Figures show at least two recesses (2). Furthermore, none of the Figures show at least two projections. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). No New Matter should be added.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be

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labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

Claim 1 is objected to because of the following informalities: It appears that the phrase, "the housing and projections" (line 4), should be changed to "the housing and having projections" in order to avoid unnecessary confusion.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claim 3, is the "wall" (line 2), the same wall as the outer wall in line 2 of claim 1? If not, a different name should be used in order to avoid unnecessary confusion.

With regard to claim 3, is the "cylindrical wall" (line 3), the same wall as the cylindrical outer wall in line 2 of claim 1? If not, a different name should be used in order to avoid unnecessary confusion.

With regard to claim 3, is "said cylindrical wall" (lines 3 and 4), the same wall as the cylindrical outer wall in line 2 of claim 1? If not, a different name should be used in order to avoid unnecessary confusion.

With regard to claim 4, according to the originally filed specification, the projection includes a lug. How can the projection including the lug be pressed onto the lug? For example, it is not possible to use the planet earth to hit or press the rocky mountains. However, the moon may be used to hit or press the rocky mountains. Note that patentability of claim 4 cannot be determined at this time.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

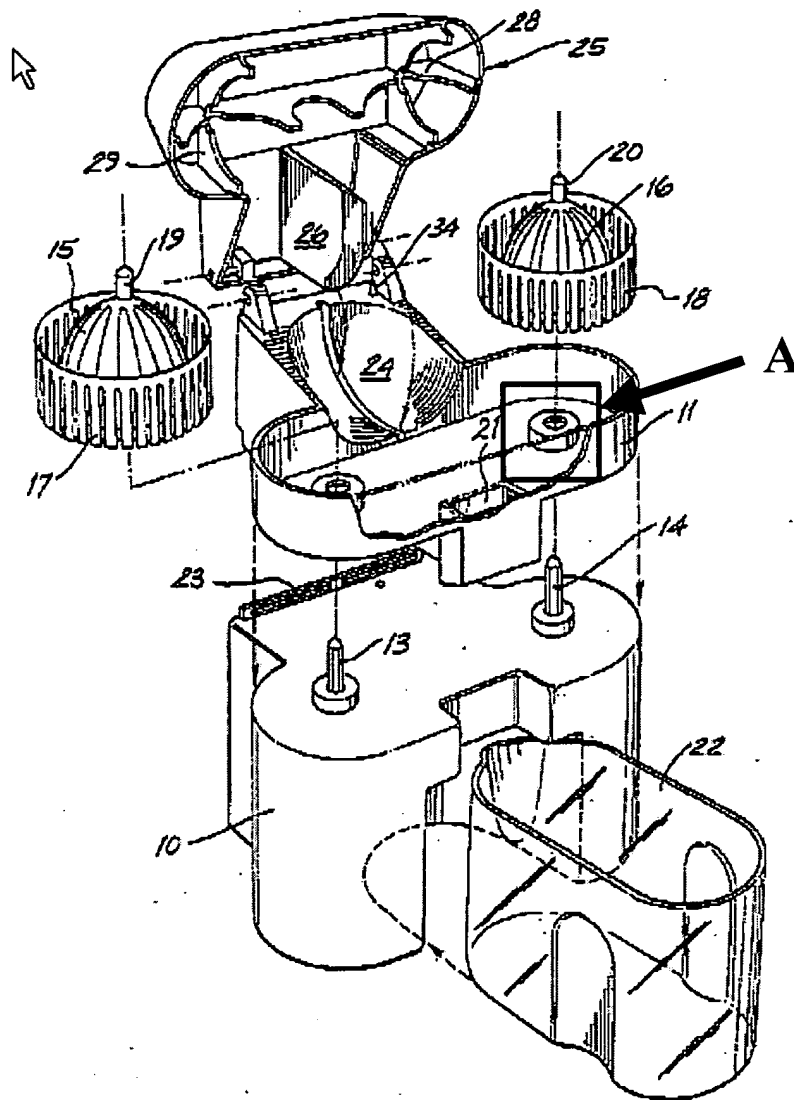
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, and 8, as well as can be understood, are rejected under 35 U.S.C. 102(b) as being anticipated by McClean (US 5,551,335).

With regard to claim 1, McClean discloses a food processor including:

1. a housing (10, 11) having a cylindrical outer wall (A) with at least two recesses (for 13 and 14) formed in the cylindrical outer wall (A) of the housing; said recesses having openings (for 13 and 14) in the cylindrical outer wall (A) of the housing; and



2. a drive unit (inside 10) having a motor disposed within the housing (10, 11) and projections (13 and 14) matching a shape of the openings and projecting through said openings.

With regard to claim 3, McClean discloses a wall running in radial direction (bottom of 11). McClean's recesses (for 13 and 14) disclose cylindrical walls (A)

wherein the openings for the projections (13 and 14 and their base) occupy at least part of the cylindrical wall and part of the wall running in radial direction (Figure 1).

With regard to claim 8, McClean discloses a rotating element (15 and 16) driven by the drive unit (10) for pressing fruit.

Claim 1 is, alternatively, rejected under 35 U.S.C. 102(b) as being anticipated by Lapps (US 2,481,848). Lapps discloses a food processor including:

1. a housing (9, 11) having a cylindrical outer wall (9, 11) with at least two recesses (for 14) formed in the cylindrical outer wall (11) of the housing (9, 11); said recesses having openings (for 14) in the cylindrical outer wall (11) of the housing (9, 11); and
2. a drive unit (13, 14, 15) having projections (14) matching a shape of the openings and projecting through said openings.

Claim 1 is, alternatively, rejected under 35 U.S.C. 102(b) as being anticipated by Barradas (US 5,289,760). Barradas discloses a food processor including:

1. a housing (12) having a cylindrical outer wall (portion of 12 under 14) with at least two recesses (for 33 and 46) formed in the cylindrical outer wall (portion of 12 under 14) of the housing (12); said recesses having openings (for 33 and 46) in the cylindrical outer wall (portion of 12 under 14) of the housing (12); and
2. a drive unit (20, 26, 28, 33, and 46) having projections (33 and 46) matching a shape of the openings and projecting through said openings.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barradas (US 5,289,760).

With regard to claim 2, Barradas discloses projections (including 33 and 46) being slightly oversized as compared to a given height for the openings. Examiner takes an Official Notice that use of a resilient element for the button in order to provide reaction force is obvious to an ordinary skill in the art. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to teach Barradas to use a resilient element for the button in order to provide reaction force, as such is well known and obvious in the art.

With regard to claim 6, Examiner takes an Official Notice that use of a bevel for the openings is obvious to an ordinary skill in the art. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to teach Barradas to use a bevel for the openings in order to aid projections entering, as such is well known and obvious in the art.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lapps (US 2,481,848) in view of Truitt (US 2,138,716). Claim 5 also calls for a strip running in axial direction at the inner side. In a closely related art, Truitt discloses a food



processor with a strip (17) for insertion of the drive unit. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide Lapps with a strip for insertion of the drive unit, as taught by Truitt.

### ***Response to Arguments***

Applicant's arguments filed June 22, 2005 have been fully considered but they are not persuasive.

With regard to the Schorn and Wu references, the claim rejections in view of Schorn or Wu have been withdrawn in view of Applicant's response.

With regard to claim 1, Applicant argues that a bottom surface of a container could not be a cylindrical outer wall. This is not true. A cylindrical outer wall may comprise a cylindrical side wall, a flat top wall, and a flat bottom wall. Therefore, a flat bottom wall could be a part of a cylindrical outer wall.

Applicant presents no new additional arguments regarding the rest of the claims.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

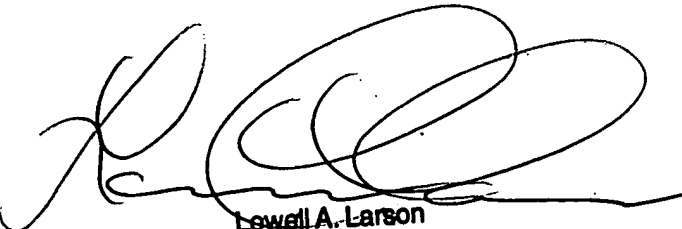
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Y. Pahng whose telephone number is 571 272 4522. The examiner can normally be reached on 9:00 AM - 7:00 PM, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571 272 4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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JYP



Lowell A. Larson  
Primary Examiner